

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Morgan Boineau, Jr.,)	C/A No. 0:12-2740-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

The Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and R. Emery Clark, Assistant United States Attorney, have moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

On order of the Court, this case will be remanded to the Appeals Council. The Appeals Council will direct the ALJ that the record included an opinion from examining physician Agnes Devenyi, M.D. and the ALJ did not indicate the weight that she gave to this opinion. The ALJ will consider Plaintiff's residual functional capacity, and in so doing, address and evaluate Dr. Devenyi's opinion. The Appeals Council will further instruct the ALJ that, if warranted by the expanded record, she must obtain supplemental vocational expert evidence concerning the existence of jobs in significant numbers in the national economy that Plaintiff can perform.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decisions with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner request for remand for further proceedings and the consent of the Plaintiff, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a REMAND of the cause to the Commissioner for further administrative proceedings as set out above.ⁱ

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

May 20, 2013
Columbia, South Carolina

ⁱ The Clerk of Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.